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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Alexander R. Roustaei

Appl. No. : To be Assigned
(Application for Reissue of U.S. Patent
No. 5,756,981, issued on May 26, 1998)

Title : OPTICAL SCANNER FOR READING AND DECODING
ONE-AND-TWO-DIMENSIONAL SYMBOLOGIES AT
VARIABLE DEPTHS OF FIELD INCLUDING
MEMORY EFFICIENT HIGH SPEED IMAGE
PROCESSING MEANS AND HIGH ACCURACY IMAGE
ANALYSIS MEANS

Filed : Concurrently Herewith

Assignee : Symbol Technologies, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 25, 2000

Assistant Commissioner for Patents
United States Patent and Trademark Office
Box Reissue
Washington, D.C. 20231

REISSUE DECLARATION

Ira J. Schaefer, states as follows:

1. I am a partner in the firm of Chadbourne and Parke,
30 Rockefeller Plaza, New York, NY 10112, and I am

authorized to prosecute this reissue application by the Symbol Technologies, Inc., the sole assignee of the entire right, title and interest in U.S. Patent No. 5,756,981, issued on May 26, 1998, the subject of this reissue application. The power of attorney appointing Ira J. Schaefer to prosecute this reissue application and authorizing him to transact all business in the Patent and Trademark Office connected therewith is transmitted herewith.

2. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

3. I have reviewed and understand the contents of U.S. Patent No. 5,756,981. I have also reviewed and understand the prosecution history of a patent application No. 08/690,752, filed on Aug. 1, 1996, which issued into U.S. Patent No. 5,756,981.

4. I have prepared the specification, including the claims, of the current reissue application.

5. I believe the claims of U.S. Patent No. 5,756,981 to be too narrow by reason of the patentee claiming less than he had the right to claim in the patent.

6. I believe the claims of U.S. Patent No. 5,756,981 to be limited to the optical scanning devices that include an optical assembly that has means for moving the plurality of lenses of the optical assembly with respect to each other, thereby providing a variable field of view and allowing to vary the depth of field of the optical scanner of the current invention. Additionally, the dependent claims that are based on independent claims 1 and 31 do not claim optical scanning devices that utilize a light emitting diode (LED) as the illumination light source.

7. I believe that by including a limitation related to the movable means for providing a variable field of view and failing to include dependent claims directed at utilization of the light emitting diodes (LED) as illumination light source in the current invention, the prosecuting attorney unintentionally or mistakenly limited the scope of the claims in the issued patent.

8. I believes these limitations of the claimed subject matter were based upon a failure on the part of prosecuting

attorney to appreciate the full scope and true nature of the invention disclosed in the application.

9. I believe that this failure to appreciate the true scope of the invention was without fraudulent or deceptive intention and arose solely from inadvertence, accident or mistake.

10. I declare that the above-mentioned errors or mistakes regarding the true scope of the claimed invention are rectified by the corrections made to the original claims 1, 16 and 31 and addition of new claims 38-46.

11. Claims 1, 16 and 31 are modified to remove the requirement of movable means for the optical assembly for providing a variable field of view.

12. In order to expedite and facilitate the examination of this reissue application, the support for the newly added dependent claims directed to the use of a light emitting diode (LED) as the illumination light source is contained in col. 9, lines 20-38; col. 10 line 9 - col. 11, line 17; col. 36, line 46 - col. 37, line 4.

13. Support for the optical assembly as now claimed in claims 1, 16 and 31 can be found in col. 14, lines 17 - 41.

14. The combination of framing means, as described in col. 25, lines 15 - col. 26, line 33, with zooming

capabilities that allow for a variable depth of field, as described in col. 16, lines 14 - 39 and col. 17, lines 4 - 13 provides support for newly added dependent claims 39, 42 and 45. With zooming capability and variable depth of field, the scanner device of said claims frames (i.e. defines the boundaries) of the symbology image by directing a plurality of diverging beamlets to define and mark the horizontal and vertical dimensions of the selected field of view and the symbology image contained therein. For example, two crossed lines of correct lengths could define and mark the length and width of the symbology image within the selected field of view, thereby framing the symbology image.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent via Express Mail to Box Reissue, Assistant Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.

DATE: May 25, 2000

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Respectfully submitted,

By

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